

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

UNITED STATES OF AMERICA,)	Criminal Case No. 3:07cr00010-1
)	
)	<u>FINAL ORDER ADOPTING</u>
v.)	<u>REPORT AND RECOMMENDATION</u>
)	
)	
MARY DOWDELL.)	By: Norman K. Moon
)	United States District Judge

Mary Dowdell, a federal inmate proceeding pro se, filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. The United States filed a motion to dismiss, and by order entered January 25, 2010, the court referred the matter to United States Magistrate Judge Michael F. Urbanski for proposed findings of fact and recommendations for disposition. The Magistrate Judge filed a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1)(B), finding that Dowdell failed to establish that counsel provided constitutionally deficient legal assistance, that she failed to demonstrate that the government withheld potentially exculpatory information in violation of its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963), and that she failed to show that her Fifth Amendment rights to Due Process and Equal Protection were violated. Accordingly, the Magistrate Judge recommended that Dowdell's § 2255 motion be dismissed. Neither party filed objections within the time allotted. Having reviewed the Report and Recommendation and the relevant portions of the record, the court agrees with the Magistrate Judge's recommendation.

Accordingly, it is hereby **ORDERED** and **ADJUDGED** that the Magistrate Judge's Report and Recommendation (docket no. 520) is **ADOPTED** in its entirety, the government's motion to dismiss (docket no. 374) is **GRANTED**, and Dowdell's § 2255 motion (docket no. 355) is

DISMISSED. Any other pending motions are **DENIED** as **MOOT**, and this case is **STRICKEN** from the active docket of the court.

Further, finding that Dowdell has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk of Court is **DIRECTED** to send copies of this order to the parties.

Entered this 7th day of June, 2011.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE